

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

K.J.,

Plaintiff,

v.

**Civil Action No. 1:21-CV-74
(BAILEY)**

**UNITED STATES OF AMERICA and
OFFICER LARRY MARTIN,**

Defendants.

THE UNITED STATES OF AMERICA’S PARTIAL MOTION TO DISMISS

COMES NOW, the Defendant, the United States of America, by and through undersigned counsel, and hereby moves to dismiss Count III of Plaintiff’s Complaint for lack of subject-matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1). Further, the United States moves to dismiss Plaintiff’s request for attorneys’ fees and demand for a jury trial. The United States’ position in support of this Motion is more fully set forth in the accompanying Memorandum of Law.

Respectfully submitted,

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